

Remarks

Claims 1-10 were pending in the application. Claims 1-10 were rejected. Claims 1, 3, and 6 were objected to. Claim 5 is canceled without prejudice to or disclaimer of the subject matter recited therein. Claims 1-4 and 6-10 are amended. Claims 11 and 12 are added. Claims 1-4 and 6-12 are now pending. Claim 1 is the independent claim. Reconsideration of the amended application is respectfully requested.

The examiner objected to the drawings as not complying with 37 CFR 1.84(p)(5). A substitute drawing sheet is appended to this response, in which the reference designation 101b has been deleted. Further, paragraph [0055] is amended to make reference to the osteotomy line **M**, as shown in the drawings. Also, paragraph [0070] is amended to make reference to the profile **8'**. The objection, therefore, should be withdrawn.

The examiner objected to the written description, noting a particular informality. Paragraph [0023] of the written description is amended to address this informality. The objection, therefore, should be withdrawn.

The examiner rejected claims 1, 3, and 6 under 35 USC §112 as being indefinite. Claims 1, 3, and 6 are amended to address the issues noted by the examiner. The rejection, therefore, should be withdrawn.

The examiner rejected claims 1, 3-8, and 10 under 35 USC §102(b) as being anticipated by Bascoulergue et al.

Independent claim 1 recites a femoral stem for hip prosthesis, which includes a main body, a central body, and an appendix. The main body has a mainly longitudinal

development and a generally wedge shape, and is adapted to be inserted into the femoral canal present in the body of a femur. The central body has a generally trapezoidal shape integral with the main body, and is adapted to be located in a proximal zone of the femur. The appendix projects from the central body, and is provided with a terminal pin adapted to receive a spherical head of a joint in a cotyle belonging to the prosthesis and inserted in an acetabular zone of a pelvic bone. The main body and the central body are defined by a shaped surface on a medial side of the femoral stem and by a surface having a mixtilinear profile on an opposite lateral side. The central body includes a shaped notch in the form of an open-ended slot. The notch includes an open end at the mixtilinear profile of the main body and extends generally toward the projecting appendix. The shaped notch passes through the thickness of the central body from an anterior side to a posterior side of the femoral stem. The central body includes a first zone, arranged generally to face a greater trochanter of the femur, and a second zone, arranged generally to face a lesser trochanter of the femur. The first zone and the second zone are joined at a bridge portion disposed adjacent a closed end of the notch at the posterior side of the femoral stem.

In contrast, Bascoulergue et al. disclose, as shown in Figs. 1-3, a femoral shaft for a hip prosthesis that includes longitudinal grooves 12, 13 and slots 14, 15, but not the shaped notch recited in claim 1. Bascoulergue et al. also do not disclose or suggest femoral stem having a central body that includes first and second zones joined at a bridge portion disposed near a closed end of such a notch. When the Bascoulergue et al. device is in use and loaded by the weight of a user, only the part facing the lesser trochanter

bends downwards, while the shoulder remains stationary, and thus doesn't allow the greater trochanter to be reactive. Further, chips produced by rubbing of the spherical head against the cotyle are allowed to deposit inside the device by gravity through the upper opening, leading in time to prosthesis failure. The claimed design avoids these difficulties, which are not addressed by Bascoulergue et al.

For at least the reasons noted above, Bascoulergue et al. do not anticipate the invention as recited in claim 1. Claims 3-4, 6-8, and 10 depend from claim 1, and therefore also are not anticipated by Bascoulergue et al., for at least the reasons noted above, as well as because of the additional elements recited therein. The rejection of claims 1, 3-4, 6-8, and 10, therefore, should be withdrawn.

The examiner rejected claim 2 under 35 USC §103(a) as being unpatentable over Bascoulergue et al., in view of Teinturier.

Claim 2 depends from claim 1, which is discussed above. As noted, Bascoulergue et al. do not disclose or suggest all of the features recited in claim 1. Teinturier does not overcome the deficiencies noted with respect to Bascoulergue et al., and fails to disclose or suggest at least the same features. Further, Teinturier does not disclose or suggest a feature recited in claim 2, namely, a shaped notch having a smooth concave-convex continuous inner surface.

For at least these reasons, no combination of the teachings of the cited references could render obvious the invention recited in claim 2. The rejection of claim 2, therefore, should be withdrawn.

The examiner rejected claim 9 under 35 USC §103(a) as being unpatentable over Bascoulergue, in view of Artos Med.

Claim 9 depends from claim 1, which is discussed above. As noted, Bascoulergue et al. do not disclose or suggest all of the features recited in claim 1. Artos Med does not overcome the deficiencies noted with respect to Bascoulergue et al., and fails to disclose or suggest at least the same features. For at least this reason, no combination of the teachings of the cited references could render obvious the invention recited in claim 92. The rejection of claim 9, therefore, should be withdrawn.

New claims 11 and 12 are added. It is submitted that none of the cited references discloses or suggests the features recited in claims 11 and 12, which therefore should be allowable over the cited prior art.

Based on the foregoing, it is submitted that all objections and rejections have been overcome. It is therefore requested that the Amendment be entered, the claims allowed, and the case passed to issue.

Respectfully submitted,



September 25, 2007
Date

TMC:hlp

Thomas M. Champagne
Registration No. 36,478
Customer No. 49691
828.253.8600
828.253.8620 fax